

Remarks

The Final Office Action mailed March 24, 2006 has been carefully reviewed and the foregoing amendment has been made in consequence thereof.

Claims 1-2, 6-9, and 12 are pending. Claims 1-2, 6-9, and 12 stand rejected. Claims 10, 11, and 13-21 have been cancelled.

The rejection of Claims 1-2, 6-9, and 12 under 35 U.S.C. 102(e) as being anticipated by Brodersen et al., abandoned U.S. Application No. 09/466,262, is respectfully traversed.

Pursuant to 37 CFR 1.131(b), an applicant can establish prior invention of the claimed subject matter, provided the showing of facts are sufficient to show “conception of the invention prior to the effective date of the reference coupled with due diligence from prior to said date to a subsequent reduction to practice *or to the filing of the application.*” (emphasis added). Examiner acknowledges in the Final Office Action that Applicant has established “conception of the invention” prior to the December 17, 1999 filing date of Brodersen et al. The only remaining question is whether the inventor followed conception “with reasonable diligence by some other act, *such as...filing an application for patent.*” MPEP § 715.07 citing *Automatic Weighing Mach. Co. v. Pneumatic Scale Corp.*, 166 F.2d 288 (1st Cir. 1909) (emphasis added).

The inventor, Brian L. Gerhardt, states in Paragraph 8 of the DECLARATION IN SUPPORT OF PATENTABILITY that “[o]n information and belief, the invention disclosure letter was promptly reviewed by the GE Legal Department and sent to outside counsel for preparation of the ‘079 application, and the application was promptly prepared and filed on March 10, 2000.” Moreover, A-1 of Exhibit A from the Declaration shows the Invention Disclosure. In the top right hand corner, a box labeled “For Legal Operation Use Only” shows a docket number “13DV13466” and a date opened as “Jan. 7, 2000.” January 7, 2000 is one day after two witnesses signed the Invention Disclosure. Furthermore, this docket number is the same Attorney Docket Number used with the PTO regarding this application. The Application was filed approximately two months later on March 10, 2000.

As such, Applicant respectfully submits that conception of the invention was at least shown on December 6, 1999, which is prior to the effective date of Brodersen et al., i.e., abandoned U.S. Application No. 09/466,262. Moreover, Applicant respectfully submits that conception was followed with diligence by the filing of the application two months later.

For at least the reasons set forth above, Applicant respectfully requests that the Examiner reconsider the Section 102(e) rejection of Claims 1-2, 6-9, and 12, based upon Brodersen et al, abandoned U.S. Application No. 09/466,262. Applicant respectfully requests that the rejection be withdrawn.

Moreover, Brodersen et al. does not describe nor suggest a network-based parts distribution system as recited in Claim 1.

Brodersen et al. describes a computerized method for marketing parts wherein the method includes a primary supplier receiving a request for a requested part or service from a customer and determining whether the requested part is available. (page 8; lines 19-26 of the abandoned U.S. application). If the requested part is available, the requested part is offered to the customer. *If the requested part is not available or if the customer refuses the part offered by the primary supplier, a reverse auction for the requested part is conducted among a plurality of secondary suppliers.* (emphasis added) (page 9; lines 7-11). Furthermore, Brodersen et al. states the “reverse auction will be initiated and completed within a short time period after the failure to provide an acceptable part from the primary suppliers inventory, e.g., within forty-eight hours of receiving the customer’s request for the part.” (emphasis added).

Claim 1 recites a network-based parts distribution system comprising “a plurality of buyer computers for operation by a system participant desiring to obtain one or more parts...a plurality of seller computers for operation by a system participant desiring to sell one or more parts...at least one server computer, wherein said buyer computers, said seller computers and said server computer are interconnected as a computer network, said server computer being programmed to receive part related data from said seller computers and use said data to maintain a database of all available parts and to receive part requests from said buyer computers and select one or more parts from said database in response to said requests, wherein said parts in said database are sorted into a plurality of inventory categories, and

wherein said parts in at least one of said inventory categories are further sorted into a plurality of sub-inventory categories based upon part condition...a signed master agreement between said system participants, said master agreement determining aspects of transactions before participation by a system participant commences...said server computer configured to relay a purchase order consistent with said-transaction aspects determined by said master agreement and... wherein each system participant of a plurality of system participants is able to buy and sell parts.”

Brodersen et al. do not describe nor suggest a network-based parts distribution system as recited in Claim 1. Specifically, Brodersen et al. does not describe nor suggest a signed master agreement between system participants, where the master agreement determines aspects of transactions before participation by a system participant commences. Brodersen et al. does not describe nor suggest that the server computer is configured to relay a purchase order consistent with those aspects determined by the master agreement. Lastly, Brodersen et al. does not describe nor suggest that each system participant of a plurality of system participants is able to buy and sell parts.

Rather, in contrast to the present invention, Brodersen et al. describes a computerized method for marketing parts that includes a customer, a primary supplier, and secondary suppliers. If the requested part is not available, the primary supplier then conducts a reverse auction with secondary suppliers that will take a certain amount of time to complete, for example, two days. As such, Brodersen et al. does not describe nor suggest all of the claimed elements of the present invention. Accordingly, Claim 1 is submitted to be patentable over Brodersen et al.

Claims 2 and 6 depend from independent Claim 1. When the recitations of Claims 2 and 6 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2 and 6 likewise are patentable over Brodersen et al.

Furthermore, Brodersen et al. does not describe nor suggest a method of distributing parts as recited in Claim 7.

Claim 7 recites a “method of distributing parts, said method comprising the steps of: obtaining an agreement from each system participant of a plurality of system participants, to

join in a network-based, automated virtual warehouse parts distribution system, said agreements determining aspects of transactions before participation by a system participant commences, each system participant of a plurality of system participants is able to buy and sell parts...providing a plurality of buyer computers for operation by a system participant desiring to obtain one or more parts...providing a plurality of seller computers for operation by a system participant desiring to sell one or more parts...providing at least one server computer, wherein said buyer computers, said seller computers and said server computer are interconnected as a computer network...using said seller computers to input part related data to said server computer...using said data to maintain a database of all available parts, said step of maintaining said database including sorting said parts in said database into a plurality of inventory categories, wherein said parts in at least one of said inventory categories are further sorted into a plurality of sub-inventory categories based upon part condition...using said buyer computers to transmit part requests to said server computer...and selecting one or more parts from said database in response to said requests.”

Brodersen et al. does not describe nor suggest a method of distributing parts as recited in Claim 7. Specifically, Brodersen et al. does not describe nor suggest a method of distributing parts including obtaining an agreement from each system participant of a plurality of system participants, to join in a network-based, automated virtual warehouse parts distribution system, where the agreements determine aspects of transactions before participation by a system participant commences. Also, Brodersen et al. does not describe nor suggest that each system participant of a plurality of system participants is able to buy and sell parts. Rather, in contrast to the present invention, Brodersen et al. describes a computerized method for marketing parts that includes a customer, a primary supplier, and secondary suppliers. If the requested part is not available, the primary supplier then conducts a reverse auction with secondary suppliers that will take a certain amount of time to complete, for example, two days. As such, Brodersen et al. does not describe nor suggest all of the claimed elements of the present invention. Accordingly, Claim 7 is submitted to be patentable over Brodersen et al.

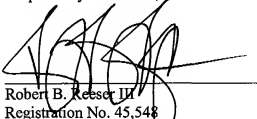
Claims 8, 9, and 12 depend from independent Claim 7. When the recitations of Claims 8, 9, and 12 are considered in combination with the recitations of Claim 7, Applicants submit that dependent Claims 8, 9, and 12 likewise are patentable over Brodersen et al.

For at least the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1-2, 6-9, and 12 be withdrawn.

Moreover, Applicant believes Brodersen et al. is “complex or shows or describes inventions other than that claimed by the applicant.” If Examiner still believes the claims do not contain allowable subject matter, then, pursuant to 37 CFR § 1.104(c)(2), Applicant respectfully requests the Examiner to designate the specific portions of Brodersen et al., in abandoned U.S. Application No. 09/466,262, that are relied upon in the rejection with the hope of expediting the prosecution of the application.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Robert B. Reesor III', is written over a horizontal line.

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